



REC'D PCT/PTO 27 DEC 2005

#6  
Docket No.: 2520-0131PUS1  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Akira YAGI et al.

Application No.: 10/512,096 ✓

Confirmation No.: 8923

Filed: October 21, 2004

Art Unit: Not Yet Assigned

For: EXTERNAL PREPARATION FOR ALLERGIC  
DISEASES

Examiner: Not Yet Assigned

### RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements dated June 27, 2005, Applicant respectfully submits:

- Attached is a copy of the Notification of Missing Requirements (371 Formalities Letter).
- Attached is the Executed Declaration and Power of Attorney  Original  Photocopy.
- The specification attached to the executed Declaration and Power of Attorney is a true copy of the specification that was filed in the U.S. Patent and Trademark Office on October 21, 2004, including any amendments thereto (if applicable) filed on even date therewith.
- The undersigned hereby declares that "Attorney Docket No. 2520-0131PUS1" on page 1 of the attached Inventors' Declaration corresponds to Application No. 10/512,096 filed October 21, 2004, entitled "EXTERNAL PREPARATION FOR ALLERGIC DISEASES."

- Attached is an English language translation of the above-identified application that was filed in a foreign language, which should be used as the copy for examination purposes.

See the attached Translator's Verification; or

The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.

- Attached are @@@ sheet(s) of drawings. Please substitute these replacement drawings for the corresponding @@@ sheet(s) of drawings on file in the above-identified application.
- Attached are substitute claims commencing on a separate sheet in accordance with 37 C.F.R. § 1.75(h).
- Attached is a substitute abstract commencing on a separate sheet in accordance with 37 C.F.R. § 1.72(b).
- Attached is a substitute specification that complies with 37 C.F.R. § 1.52. The substitute specification does not contain new matter.
- Attached is a preliminary amendment.
- Applicant claims small entity status under 37 C.F.R. § 1.27.
- Attached is a Supplemental Application Data Sheet (ADS).
- Submitted concurrently herewith under separate cover for recording is an Assignment.
- Attached is a Petition for Extension of Time.

- The Government Filing Surcharge for late filing of oath and/or declaration in the amount of \$130.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492 was previously paid for concurrently with the filing of the application on October 21, 2004.
- Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: December 27, 2005

Respectfully submitted,

  
By \_\_\_\_\_ #42-874  
Gerald M. Murphy, Jr.  
Registration No.: 28,977  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

Attachment(s)

**Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.**

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.	
<b>Effective on 12/08/2004.</b> <i>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</i>	
<b>FEE TRANSMITTAL For FY 2005</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	
<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\\$)</b> 1,590.00
<b>Complete if Known</b>	
Application Number	10/512,096-Conf. #8923
Filing Date	October 21, 2004
First Named Inventor	Akira YAGI
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No. 2520-0131PUS1	

**METHOD OF PAYMENT** (check all that apply)

Check    Credit Card    Money Order    None    Other (please identify): \_\_\_\_\_

**For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)**

Charge fee(s) indicated below       Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s), under 37 CFR 1.16 and 1.17       Credit any overpayments

#### **FFF CALCULATION**

## **1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

**Fee Description**

Each claim over 20 (including Reissues).

Each independent claim over 3 (including Reissues)

#### Multiple dependent claims

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
_____	- =	_____ x _____ =	_____	<u>Fee (\$)</u> <u>Fee Paid (\$)</u>

Indep. Claims      Extra Claims      Fee (\$)      Fee Paid (\$)

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**3. APPLICATION SIZE FEE**  
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50

**Total Sheets**

- 100 = \_\_\_\_\_ /50 \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

**4. OTHER FEE(S)** \_\_\_\_\_ **Fees Paid (\$)** \_\_\_\_\_

**4. OTHER FEE(S)**

**Non-English Specification, \$130 fee (no small entity discount)**

Other (e.g., late filing surcharge): 1254 Extension for response within fourth month

SUBMITTED BY				
Signature	 #42-5874	Registration No. (Attorney/Agent)	28,977	Telephone      (703) 205-8000
Name (Print/Type)	Gerald M. Murphy, Jr.		Date	December 27, 2005

Rec'd PCT/PTO 27 DEC 2005

DRM



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/512,096	Akira Yagi	2520-0131PUS1
INTERNATIONAL APPLICATION NO.		
PCT/JP03/05063		
02292	I.A. FILING DATE	PRIORITY DATE
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747	04/21/2003	04/22/2002
CONFIRMATION NO. 8923		
371 FORMALITIES LETTER		
 <sup>60</sup> *OC000000016337732*		

Date Mailed: 06/27/2005

*Docketed*  
*6/27/05*
*perfect*

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/21/2004
- English Translation of the IA filed on 10/21/2004
- Copy of the International Search Report filed on 10/21/2004
- Information Disclosure Statements filed on 10/21/2004
- U.S. Basic National Fees filed on 10/21/2004
- Priority Documents filed on 10/21/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

TAMALA D HOLLAND

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Telephone: (703) 308-9140 EXT 209

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/512,096	PCT/JP03/05063	2520-0131PUS1

FORM PCT/DO/EO/905 (371 Formalities Notice)